

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**



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Southern California Edison Company's Application
For Approval of Embedded Energy Efficiency Pilot
Programs for 2007-2008.

Application 07-01-024
(Filed January 16, 2007)

Application of Pacific Gas and Electric Company
Seeking Approval of Water-Embedded Energy Savings
Pilot Program.

Application 07-01-026
(Filed January 16, 2007)

San Diego Gas & Electric Company for Approval of
Energy & Water Efficiency Partnership and Budget for
Years 2007 Through 2008.

Application 07-01-029
(Filed January 16, 2007)

Southern California Gas Company for Approval of
Energy & Water Efficiency Partnership and Budget for
Years 2007 Through 2008.

Application 07-01-030
(Filed January 16, 2007)

**PREHEARING CONFERENCE STATEMENT
OF THE UTILITY REFORM NETWORK**

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PREHEARING CONFERENCE STATEMENT OF THE UTILITY REFORM NETWORK

I. Introduction

On January 16, 2007, Southern California Edison Company (SCE), Pacific Gas and Electric Company (PG&E), San Diego Gas and Electric Company (SDG&E), and Southern California Gas Company (SoCalGas) each filed an application seeking Commission authorization to implement a pilot energy efficiency program intended to capture the embedded energy savings associated with water conservation.¹ Three days later, the Commission's Chief Administrative Law Judge (ALJ) issued a ruling consolidating the dockets associated with the four utility applications, assigning the dockets, and setting a prehearing conference for January 30, 2007 (Chief ALJ Ruling). The Chief ALJ directed all parties intending to file protests to the instant applications to appear at the prehearing conference "to identify underlying concerns and discuss procedural implications." (Chief ALJ Ruling, p. 2). This ruling additionally invited interested parties to serve a prehearing conference statement on all parties to R.06-04-010 (the Energy Efficiency Rulemaking) by January 29, 2007, outlining substantive concerns, proposing a process for addressing them, and addressing the scope and schedule for this proceeding. (Id.). Pursuant to Rule 7.2 of the Commission's Rules of Practice and Procedure and the Chief ALJ Ruling, The Utility Reform Network (TURN) respectfully submits this prehearing conference statement.

¹ "Embedded energy" refers to the energy used in the production, transportation and pre- and post-consumption treatment of water. *See Assigned Commissioner's Ruling on Process Related to the Consideration of Embedded Energy Savings Related to Water Efficiency*, Oct. 16, 2006, R.06-04-010, pp. 1-2.

II. Background

The Commission first began explicitly addressing the possibility that energy utilities might pursue demand side resources by targeting water-embedded energy savings in D.05-09-043, the decision addressing the 2006-2008 energy efficiency program applications of PG&E, SCE, SDG&E and SoCalGas (the utilities). In that decision, the Commission rejected the last-minute proposal that water-embedded energy savings occurring as a result of the utilities' energy efficiency programs be counted towards the utilities' 2006-2008 energy savings goals. (D.05-09-043, *mimeo*, p. 167). The Commission explained that it lacked a record upon which to evaluate the merits of the proposal, but moreover, noted the following:

the issue of counting the embedded savings associated with water has broader implications for energy efficiency policy that should be considered. In particular, it raises the issue of how far beyond the site-specific end-use (water heating or any other) we should extend the definition of "energy efficiency" to capture upstream reductions in energy inputs. There are also significantly new EM&V-related issues associated with this approach to defining energy savings that we would need to consider. Moreover, even if we determined that these types of upstream or embedded savings should be counted in the future, it seems to follow that before we start counting them towards specific numerical goals, the potential studies underlying those goals would need to be broadened to consider embedded savings potential as well. (Id., pp. 167-68).

Additionally, the Commission stated its intent to explore these issues in the energy efficiency rulemaking in the near future. (Id., p. 168).

Seven months later, the Commission opened a new energy efficiency rulemaking, R.06-04-010, and confirmed that it intended to explore the issue of "counting embedded energy savings associated with water efficiency." (R.06-04-010, p. 7). On May 24, 2006, the Assigned Commissioner issued a Scoping Memo identifying two areas of inquiry related to water-embedded energy savings. (Scoping Memo, pp. 13-14, 20). The first

issue was whether “the Commission’s Policy Rules [should] be modified to include as measure/program benefits the embedded (upstream) energy savings associated with energy efficiency measures that also reduce water usage (e.g., clothes washers that save both energy and water).” (Id., p. 13). The Scoping Memo concluded that this issue, as well as how this counting should occur, should be explored by interested parties at an informal workshop and in post-workshop opening and reply comments filed in R.06-04-010. (Id., pp. 13-14, 20, Attachment 1). The Scoping Memo additionally noted,

at some point in this proceeding or other forum, as appropriate, the Commission should begin looking at the broader context for water-related savings, including the implementation of new water conservation measures not currently undertaken by either energy or water utilities, as well as related issues such as co-funding. Therefore, during the workshop process described below, the utilities and interested participants should also spend some time addressing the process (rather than the substance) for embarking on a Commission inquiry into these matters. (Id., p. 14).

Pursuant to the Scoping Memo, PG&E and the Natural Resources Defense Council jointly held an informal workshop on water-embedded energy savings on July 17, 2006, and parties filed post-workshop comments and reply comments on July 31, 2006, and August 18, 2006, respectively.

On October 16, 2006, the Assigned Commissioner issued a ruling addressing the “process related to the consideration of embedded energy savings related to water efficiency.” (10/16/06 Ruling). The Assigned Commissioner identified three strategies for reducing net consumption of energy related to water use as most consistent with an energy efficiency strategy: 1) conserving water, 2) switching to less energy-intensive water, and 3) increasing the energy efficiency of current water delivery and treatment systems. (10/16/06 Ruling, p. 2). She then directed PG&E, SCE, SDG&E, and SoCalGas to propose pilot programs “to explore the potential for future programs to capture water-

related embedded energy savings” to “improve the likelihood of implementing new programs in the near future.” (Id., p. 3).

Specifically, the Assigned Commissioner required each utility to “form a partnership with one large water provider to implement a jointly-funded program *designed to maximize embedded energy savings per dollar of program cost.*” (10/16/06 Ruling, Ruling Paragraph 2)(emphasis added). She determined that the funding for these pilot programs should be incremental to the funding established by D.05-09-043 for the utilities’ 2006-2008 energy efficiency programs, suggested the utilities limit the statewide energy utility cost to \$10 million, and encouraged the utilities to develop a “common program and funding approach.” (Id., Ruling Paragraph 3). Finally, this ruling ordered the utilities to include in their applications proposals for counting the energy savings from the pilot programs “*for the purpose of understanding program benefits, rather than to affect rewards or penalties.*” (Id., Ruling Paragraph 4)(emphasis added). Hence, the Assigned Commissioner explained, “the utilities should not seek credit for these savings as part of any rewards or penalties related to the 2006-2008 period.” (Id.)

Following the 10/16/2006 Ruling, PG&E, SCE, SDG&E and SoCalGas filed the applications at issue in this consolidated docket. For the reasons outlined below, TURN intends to protest each application according to the schedule established by Rule 2.6 of the Commission’s Rules of Practice and Procedure.

III. Outline of Substantive Concerns with the Applications

Based on TURN’s preliminary review of the utilities’ applications, TURN intends to file protests on several grounds, some of which are common across the applications, and others, applicable only to particular applications. We have also begun conducting

limited discovery and may modify our list of substantive concerns as a result. For now, the following represents a high level overview of our substantive concerns. Each of these issues will be discussed more fully in our protests.

A. The Applications Fail to Provide the Commission with Sufficient Information to Assess Whether They Are Designed to Maximize Embedded Energy Savings Per Program Dollar.

As noted above, the Commission clearly instructed the utilities to design pilots intended to “maximize embedded energy savings per dollar of program cost.” Arguably, a program could achieve this goal by targeting the most energy intensive water (or specific water processes) for increased efficiency, or by capturing the cheapest to save water. Yet to varying extents, the applications appear to focus on saving water generally, rather than targeting water processes or uses in particular geographic areas, or in particular water service territories, that have the greatest embedded-energy savings potential or cost-effectiveness from an energy utility perspective.² Additionally, the applications do not all contain adequate budgetary detail. In other words, the applications lack sufficient detail for the Commission to assess the appropriateness of the partners chosen, or the targeted geographic region and customer segment, or the measure mix, or program strategies. This lack of detail in the applications is compounded by the related issue discussed in III.B.

² Noteworthy, also, is the fact that, to varying extents, the applications appear to neither target new water conservation measures, nor energy efficiency measures that jointly save water, as envisioned by the Scoping Memo in R.06-04-010. (See Scoping Memo, pp. 13-14, 20, Attachment 1, discussed above).

B. Because the Applications Contain Estimates of Water-Embedded Energy Savings That May Not Correspond With Reductions to Each Applicant's Own Total System Demand Attributable to the Pilot Programs, the Pilot Programs Are Not Linked to Utility Benefits or Avoided Costs.

Based on the history of the Commission's consideration of water-embedded energy savings discussed above, it is TURN's understanding that the Commission intended for the pilots to explore the potential for energy utilities to cost-effectively capture water-embedded energy savings as demand side resources. Accordingly, the pilots should produce data that allows for an assessment of whether these resources should be targeted instead of or in addition to the traditional energy efficiency resources identified by the Commission's Energy Efficiency Policy Rules. Yet none of the utilities has even attempted to estimate or identify what portion of the embedded energy savings, projected to accrue from the pilot programs, might be energy savings reflected in the utility's own system demand (in GWh or MW of peak demand, or therms). While one of the purposes of the pilot programs should be to measure the magnitude of energy savings for the energy utility, and to capture location and time variations in avoided cost valuation, the utilities *could* have derived rough estimates of their own savings by netting out water life-cycle energy that they likely do not provide. For instance, in Southern California, much of the energy intensity of water stems from conveyance over the Tehachapi Mountains, and the energy utilities do not necessarily provide the energy used in this process.³

³ See *i.e. Refining Estimates of Water-Related Energy Use in California*, Navigant Consulting, December 2006, Table ES-1 (recommending revised water-energy proxies for Northern and Southern California, disaggregated into water supply and conveyance, water treatment, water distribution, and wastewater treatment intensities), and Section 4.2.2 (noting that disaggregating water energy-intensity by electric utility service area "may allow consideration of the ability of the utility to realize savings via incentives and, in the case of regulated utilities, for tracking of public benefits").

While a measure of energy savings from a statewide perspective may be useful for measuring statewide progress towards reducing energy consumption, such undifferentiated savings are not useful as a demand side resource for the energy utilities. Thus, the pilot program proposals could be misleading to one attempting to evaluate the ratepayer benefits associated with the forecasted impacts of the programs. Similarly, without revised program impact estimates, the Commission will be hindered in its ability to evaluate the appropriateness of the program logic of each pilot. Without well-conceived pilot design, the data and information produced by the pilots will not enable the Commission to assess the potential for cost-effective, water-embedded energy efficiency programs in future program cycles.

C. Several of the Applications Seek to Count Water-Embedded Energy Savings Towards The Applicants' 2006-2008 Energy Efficiency Goals.

As noted above, the Commission instructed the utilities not to seek credit for energy savings from the pilots towards their energy efficiency shareholder incentives in 2006-2008. The preliminary shareholder incentive mechanism adopted by the Commission in D.05-04-051 contains two elements: 1) a minimum performance threshold, which is currently tied to the utilities' energy efficiency goals established by D.04-09-060, and 2) the calculation of performance basis, currently derived from portfolio net benefits. Furthermore, among the shareholder incentives proposals under consideration by the Commission in R.06-04-010 are proposals wherein the incentive payment as a percentage of net benefits would vary with the total portfolio accomplishments relative to the goals. For instance, a higher incentive level might be paid when the utility achieved 110% of the goals than when the utility achieved 100% of

the goals. Clearly, counting savings towards the utilities' 2006-2008 goals will impact shareholder rewards and penalties. Nonetheless, several of the applications either seek authorization to count pilot program savings towards the goals, or clarification regarding whether the Commission intended these savings to count towards the goals (just not towards the net benefits-based reward calculation). Moreover, the savings the utilities would count appear to the all-inclusive Northern or Southern California CEC embedded-energy proxies instead of even rough estimates of the utility's own energy savings.

D. The Applications May Not Comport With the Clear Separation Between Program Administration and Impact Evaluation Established by D.05-01-055.

In D.05-01-055, the Commission adopted a new administrative structure for energy efficiency programs in 2006 and beyond. Finding that a clear separation between program administration and program evaluation was crucial to integrity of this structure, the Commission assigned EM&V administration to Energy Division (particularly impact-related EM&V), and program administration to the utilities. While some variation exists among the utilities' proposals for pilot program EM&V, it is unclear whether any or all of these proposals would assign Energy Division the authority envisioned by D.05-01-055.

IV. Procedural Recommendations

TURN recommends that the Commission issue a ruling intended to clarify the Commission's expectations regarding the purpose of the pilot programs, as well as the quality and quantity of supporting data that the applications should contain. Particularly, we recommend that the Commission require the utilities to update their applications to remedy the data deficiencies identified in Section III, as well as any other deficiencies identified by the Commission or interested parties at the prehearing conference. The

Commission may also want to suspend the deadlines for Protests until the updated applications are filed.

Additionally, TURN recommends that the Commission's Energy Division hold a formal workshop, during which stakeholders can receive critical background information about the physical interplay between California's water systems and energy systems, including the impact of water system processes on the utilities' total system demand. TURN participated in the informal group called "Water Energy Partners," which met several times after the 10/16/06 Ruling to discuss the water-embedded energy pilot programs the utilities would propose. During these meetings, we became very aware of the complexity of the project the Commission seeks to explore through the pilot partnerships, and how useful a water / energy background training workshop could be for many stakeholders.

The Commission previously instructed the utilities to schedule a planning workshop in the second quarter of 2007 to "address a methodology to estimate the magnitude of savings along various localities (and review California Energy Commission proxies); evaluation, measurement and verification; procedural guidelines; outreach; and training." (10/16/06 Ruling, Ruling Paragraph 5). TURN recommends that this workshop be held prior to the due date for the updated applications we encourage the Commission to require, so as to inform those applications and hopefully avoid the need for future substantial revisions. We also strongly encourage the Commission to direct Energy Division to facilitate this workshop, or Energy Division jointly with the CEC, and to require a workshop report.

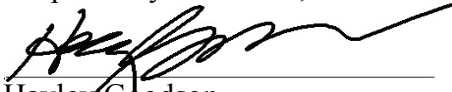
Further, if the Commission determines that Protests should be filed mid-February based on the January 16, 2007, applications, rather than in response to updated applications, then TURN recommends that the Commission invite stakeholders to submit comments and reply comments in response to the updated applications and workshop report discussed above. By soliciting comments on the utilities' pilot program proposals after the workshops intended to educate parties and eliminate some areas of substantive dispute, the Commission will hopefully end up with a full record upon which to evaluate the merits of the utilities' updated filings.

V. Proposed Schedule

TURN intends to discuss a desirable schedule for the procedures we recommend at the prehearing conference. We note, however, that we have reviewed the procedural recommendations and associated proposed schedule that the Division of Ratepayer Advocates (DRA) will include in its prehearing conference statement. DRA's approach is generally consistent with TURN's, and we would support a schedule along the lines proposed by DRA.

January 29, 2007

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Cory Oberdorfer, certify under penalty of perjury under the laws of the State of California that the following is true and correct:

I served the attached:

**PREHEARING CONFERENCE STATEMENT
OF THE UTILITY REFORM NETWORK**

by sending said document by electronic mail to each of the parties on the attached
Service List **R.06-04-010**.

Executed this January 29, 2007, in San Francisco, California.

A handwritten signature in black ink, appearing to read 'Cory Oberdorfer', is written over a horizontal line.

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CALIFORNIA PUBLIC UTILITIES COMMISSION

Service Lists

**Proceeding: R0604010 - CPUC - PG&E, EDISON,
Filer: CPUC - PG&E, EDISON, SDG&E, SOCALGAS
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